

REMARKS

I. Status of the Application

Claims 1-4, 9-11, 13-15 and 17-19 are pending in the application. Claims 1, 9-11, 13 and 19 have been amended herein. Claims 5-8, 12, 16 and 20-21 have been cancelled. Of the pending claims, claims 1 and 19 stand rejected under 35 USC § 102(b) as being anticipated by WO 00/59060 (WO '560). Pending claims 1-3, 9-10, 13, 15, 17 and 19 stand rejected under 35 USC § 102(b) as being anticipated by JP 08-153529 (JP '529). Pending claim 4 stands rejected under 35 USC § 103(a) as being unpatentable over JP '529. Pending claim 11 stands rejected under 35 USC § 103(a) as being unpatentable over JP '529 in view of US 6,322,916 to Hemmes. Pending claim 14 stands rejected under 35 USC § 103(a) as being unpatentable over JP '529 in view of US 5,426,002 to Matsumura. Pending claim 18 stands rejected under 35 USC § 103(a) as being unpatentable over JP '529 in view of JP 64-030170 (JP '170).

Applicant respectfully requests reconsideration of claims 1-4, 9-11, 13-15 and 17-19 in view of the following remarks. As to the pending claims, each of the Examiner's rejections is addressed below.

II. Claims 1 and 19 Are Not Anticipated by WO '060

Pending claims 1 and 19 stand rejected under 35 USC § 102(b) as being anticipated by WO 00/59060 (WO '560). This rejection is respectfully traversed.

Amended claim 1 is directed to an electrolyte delivery apparatus for a molten carbonate fuel cell. Amended claim 19 is directed to a method of supplying electrolyte to a molten carbonate fuel cell. WO '060 fails to teach electrolyte delivery to a molten carbonate fuel cell.

Rather, WO '060 teaches the return of a flushed out electrolyte, such as phosphoric acid, to an HTM (High-Temperature Membrane) fuel cell.

III. Claims 1-3, 9-10, 13, 15, 17 and 19 Are Not Anticipated by JP '529

Pending claims 1-3, 9-10, 13, 15, 17 and 19 stand rejected under 35 USC § 102(b) as being anticipated by JP 08-153529 (JP '529). This rejection is respectfully traversed.

Amended claim 1 is directed to an electrolyte delivery apparatus for a molten carbonate fuel cell and recites, among other things, a pressure generator operative to force electrolyte out of the electrolyte reservoir and into the fluid conduit during operation of the molten carbonate fuel cell. Amended claim 13, which is directed to a molten carbonate fuel cell assembly, recites, among other things, a pressure generator comprising a pressurized gas operative to force heated molten carbonate electrolyte out of the electrolyte reservoir during operation of the molten carbonate fuel cell. Amended claim 19, which is directed to a method of supplying electrolyte to a molten carbonate fuel cell, recites, among other things, delivering electrolyte from the electrolyte reservoir to the molten carbonate fuel cell through the fluid conduit during operation of the molten carbonate fuel cell.

JP '529 fails to teach that electrolyte is forced from an electrolyte reservoir or delivered to the fuel cell during operation of the fuel cell. Rather, JP '529 discloses that "then power generation is stopped, and molten carbonate mist is replenished; i.e. the fuel and the oxidizer gas are switched to an inert gas." (Translated Abstract.)

As JP '529 fails to disclose each and every element of claims 1, 13 and 19, JP '529 fails to anticipate these claims. Pending claims 2-3, 9-10, 15 and 17 depend, directly or indirectly,

from claims 1 or 13 and contain additional recitations thereto. Applicant respectfully submits that, for at least the above reasons, pending claims 1-3, 9-10, 13, 15, 17 and 19 are allowable.

IV. Claims 4, 11, 14 and 18 Are Non-Obvious over JP '529 either Alone or in Combination with Hemmes, Matsumura or JP '170

Claim 4 stands rejected under 35 USC § 103(a) as being unpatentable over JP '529. Claim 11 stands rejected under 35 USC § 103(a) as being unpatentable over JP '529 in view of US 6,322,916 to Hemmes. Claim 14 stands rejected under 35 USC § 103(a) as being unpatentable over JP '529 in view of US 5,426,002 to Matsumura. Claim 18 stands rejected under 35 USC § 103(a) as being unpatentable over JP '529 in view of JP 64-030170 (JP '170). These rejections are respectfully traversed.

Claims 4, 11, 14 and 18 depend, directly or indirectly, from claims 1 and 13 and contain additional recitations thereto. For the reasons stated above, JP '529 fails to teach or suggest the subject matter of claim 4. With respect to claim 11, Hemmes fails to cure the deficiencies of JP '529. Hemmes fails to teach that electrolyte is forced from an electrolyte reservoir or delivered to the fuel cell during operation of the fuel cell. With respect to claim 14, Matsumura fails to cure the deficiencies of JP '529. Matsumura also fails to teach that electrolyte is forced from an electrolyte reservoir or delivered to the fuel cell during operation of the fuel cell. With respect to claim 18, JP '170 fails to cure the deficiencies of JP '529. Although JP '170 discloses replenishment of electrolyte during operation of a fuel cell, JP '170 fails to teach that electrolyte is forced from an electrolyte reservoir and delivered to a fuel cell during operation of the fuel cell. Thus JP '529 in combination with Hemmes, Matsumura or JP '170, fails to teach or suggest the subject matter of claims 4, 11, 14 or 18. Applicant respectfully requests the withdrawal of the rejections of these claims.

V. Conclusion

Reconsideration and allowance of all the pending claims is respectfully requested. If a telephone conversation with Applicant's attorney would expedite prosecution of the above-identified application, the Examiner is urged to call the undersigned at (617) 720-9600.

Respectfully submitted,

Date: August 1, 2007


John P. Iwanicki, Reg. No. 34,628

BANNER & WITCOFF, LTD.

28 State Street, 28th Floor

Boston, MA 02109

Telephone: (617) 720-9600